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Part III

Department of Agriculture

Federal Grain Inspection Service

Official Designation of the New York State Department of Agriculture and Markets and Assignment of Geographic Area

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Designation of the New York State Department of Agriculture and Markets and Assignment of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the designation of the New York State Department of Agriculture and Markets as the official agency responsible for providing grain inspection services under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*) (Act) at all locations within the State of New York, except for export port locations, which will continue to be serviced by the Federal Grainl Inspection Service.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, Chief, Regulatory Branch, Compliance Division, FGIS, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The December 17, 1980, issue of the **Federal Register** (45 FR 83187) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that A. E. Herron, Pittsford, New York, had requested voluntary cancellation of its designation as an official agency under the Act and requesting applications for designation as the official agency to provide official inspection and weighing services in Pittsford Township, New York, and the remainder of the State of New York, excluding export port locations. The notice also requested comments on the need for a replacement agency and for official inspection and weighing services in the remainder of the State of New York. Applications and comments were to be postmarked by February 17, 1981.

The New York State Department of Agriculture and Markets (New York State) proposed to establish a new official agency and applied for designation for the entire State, excluding export port locations. It was determined from comments and other information received that official grain inspection services are needed in the entire State of New York. It was further determined that there is no need for official weighing services at this time; however, FGIS will review the situation in the future if the need should arise.

FGIS announced the name of New York State as the only applicant and requested comments on New York State in the May 6, 1981, issue of the **Federal Register** (46 FR 25330). Comments were to be postmarked by June 10, 1981. Four comments were received regarding the request for comments on the designation of New York State as the official agency in the entire State of New York, excluding export port locations. Two commentors recommended New York State as the official agency; the other two commentors submitted comments that were not relevant to the specific request for comments on New York State.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that New York State is able to provide official services in the geographic area for which it has been designated. This assigned geographic area is the entire State of New York, excluding export port locations, which will continue to be serviced by FGIS.

Effective October 1, 1981, the responsibility for providing official inspection services in its geographic area as described above will be assigned to New York State. The Agency's designation will terminate October 31, 1984.

A specified service point for the purpose of this Notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official inspection services not requiring a licensed inspector to all other areas within their geographic area.

Interested persons may obtain a list of the specified service points by contacting the agency at the following address: New York State Department of Agriculture and Markets, Building 8, State Campus, Albany, New York 12235.

Interested persons may also contact the Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250; 202 447-8525, to obtain this information.

(Sec. 8, Pub. L. 94-582, Stat. 2870 (7 U.S.C. 79))

Dated: September 29, 1981.

J. T. Abshier,

Director, Compliance Division.

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